

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMES MCCONNELL)	Case Number
)	
Plaintiff,)	CIVIL COMPLAINT
)	
vs.)	
)	JURY TRIAL DEMANDED
NCO FINANCIAL SYSTEMS, INC.)	
Defendant.)	

COMPLAINT AND JURY DEMAND

COMES NOW, Plaintiff, James McConnell, by and through his undersigned counsel, Warren, Vullings & Vassallo, LLP, complaining of Defendant, and respectfully avers as follows:

I. INTRODUCTORY STATEMENT

1. Plaintiff, James McConnell (hereinafter “Plaintiff”), is an individual consumer and brings this action for actual and statutory damages and other relief against Defendant for violations to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (“FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

II. JURISDICTION

2. Jurisdiction of this court arises under 15. U.S.C. § 1692k(d) and 28 U.S.C. §1337.

3. Venue in this District is proper in that the Defendant transacts business here, has an office here and has an agent for service of process in Pennsylvania.

III. PARTIES

4. Plaintiff, James McConnell, is an adult individual and citizen of the State of Georgia, whose mailing address is P.O. Box 3266, Atlanta, Georgia 30312.

5. Defendant, NCO Financial Systems, Inc (“Defendant”), at all times relevant hereto, is and was a corporation engaged in the business of collecting debt within the Commonwealth of Pennsylvania, with its principal place of business located 507 Prudential Road, Horsham, Pennsylvania 19044.

6. Defendant is engaged in the collection of debts from consumers using the mail. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. §1692a(6).

IV. FACTUAL ALLEGATIONS

7. Starting in or around August 2006, Plaintiff started receiving a series of harassing, abusive and threatening telephone calls from Defendant, by and through its agents, relative to a debt allegedly owed to “Rooms to Go”. Defendant’s representatives have persistently called Plaintiff’s cell number 404-285-7948 to harass him about paying the purported delinquency.

8. Plaintiff has advised Defendant’s representatives that the alleged debt is disputed and that he believes it was included in a Bankruptcy in 2002. Plaintiff has requested validation of the alleged debt and demanded Defendant cease and desist telephone communication.

9. Defendant has never provided validation of the debt in question.

10. Despite Plaintiff's instruction to Defendant to stop calling him, Defendant's representatives persist on calling and harassing Plaintiff, lying to him about the nature and extent of defendant's legal rights relative to the collection of the purported debt.

11. Defendant, by and through its agents, have left numerous harassing, threatening and deceptive messages which do not identify the identity of the caller or the nature of the call.

12. In August 2008, 866-628-7095 appeared on Plaintiffs caller ID. Recognizing the number as belonging to Defendant, Plaintiff did not answer the phone. A man with a strong southern accent left a message. The message stated, "How ya doin'? My name is Michael Jones. I'm callin' from the **process servers** office. I have a summons to appear in court for James McConnell and I believe this is a good number to reach him. If you could please have James, or if this is James voicemail, have him give us a call back at 866-934-2660. He's gonna reference his case number 4392. Alright, thank you so much. Bye, Bye."

13. The number 866-628-7095 does, in fact, belong to the Defendant. Defendant's representative did not identify himself properly or that the phone call was for the purpose of collection of a debt.

14. Defendant's rude, abusive, demeaning, deceptive and harassing calls to plaintiff are a violation of the FDCPA.

15. Defendant's refusal to validate the alleged debt, as requested by the Plaintiff, is a violation of the FDCPA.

COUNT I

FDCPA VIOLATION 15 U.S.C. § 1692 et seq.

11. The above paragraphs are hereby incorporated herein by reference.

12. Defendant violated the FDCPA. Defendant's violations include, but are not limited to, the following:

- a. 15 U.S.C. 1692d, d(5) and d(6)
- b. 15 U.S.C. 1692e, e(1), e(2), e(4), e(8), e(9), e(10), e(11), e(13), e(14)
- c. 15 U.S.C. 1692f

13. As a result of the foregoing violations of the FDCPA, Defendant is liable to Plaintiff for a declaratory judgment that Defendant's conduct violated the FDCPA, actual damages, statutory damages, attorney's fees and costs and other appropriate relief.

WHEREFORE, Plaintiff respectfully requests that this court enter judgment in their favor and against Defendant and Order the following relief:

- a. Declaratory judgment that the Defendant's conduct violated the FDCPA;
- b. Actual damages;
- c. Statutory damages pursuant to 15 U.S.C. §1692k;
- d. Reasonable attorney's fees and costs of suit pursuant to 15 U.S.C. §1692k;

and

e. Such addition and further relief as may be appropriate or that the interests of justice require.

V. JURY DEMAND

Plaintiff hereby demands a jury trial as to all issues herein.

Respectfully submitted,

WARREN & VULLINGS, LLP

Date: 9/18/08

BY: /s/Bruce K. Warren

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